From:

Nunez, Alvaro

Sent:

Monday, May 07, 2012 9:49 AM

To: Cc: 'jnreiser@gmail.com'

Subject:

Haluza, Karen RE: 3503 S. Harbor Blvd. : Mars Hill Church

Dear Mr. Reiser.

It has come to our attention that the above-noted property is still being utilized as a location for church services. As you were previously made aware, this property is located in the City's P (Professional) Zone. Use of a building for church services is neither a permitted nor conditionally permitted use in an P Zone. (SAMC 41-312, et seq.)

Unfortunately, the continued use of this property for church services is in violation of the Santa Ana Municipal Code. In order to ensure that enforcement action is not taken against you and/or the Mars Hill Church, we ask that you discontinue utilizing the property in an unlawful manner. Enforcement action may include administrative citations, criminal and/or civil action.

If you have questions about the permitted or conditionally permitted uses of this property and where church services are permitted, please contact the Planning Division.

To discuss this matter further, please contact me promptly.

Alvaro Nuñez, Coordinator Community Preservation Division Planning & Building Agency City of Santa Ana 714/647-5871

From:

Nunez, Alvaro

Sent:

Tuesday, May 08, 2012 1:43 PM

To:

Haluza, Karen

Subject:

RE: RE: 3503 S. Harbor Blvd.: Mars Hill Church

Nothing yet. I'll make a call to their office tomorrow and verify if they have received it.

I plan to mail a letter with the same content.

From: Haluza, Karen

Sent: Tuesday, May 08, 2012 1:34 PM

To: Nunez, Alvaro

Subject: RE: RE: 3503 S. Harbor Blvd.: Mars Hill Church

Just curious. Did you hear back from him?

Karen Anderson Haluza, AICP Planning Manager

City of Santa Ana Planning and Building Agency 20 Civic Center Plaza - M20 Santa Ana, CA 92702 T: 714.667.2728 F: 714.973.1461 khaluza@santa-ana.org

From: Nunez, Alvaro

Sent: Monday, May 07, 2012 9:49 AM

To: 'jnreiser@gmail.com'

Cc: Haluza, Karen

Subject: RE: 3503 S. Harbor Blvd. : Mars Hill Church

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To discuss this matter further, please contact me promptly.

Alvaro Nuñez, Coordinator Community Preservation Division Planning & Building Agency City of Santa Ana CONFIDENTIALITY NOTICE: This email may contain privileged or confidential information and is for the sole use of the intended recipients). Any immediately and delete it from your system.

----- Forwarded message -----

From: Nunez, Alvaro < ANunez@santa-ana.org>

Date: Mon, May 7, 2012 at 9:48 AM

Subject: RE: 3503 S. Harbor Blvd. : Mars Hill Church

To: jnreiser@gmail.com

Cc: "Haluza, Karen" < KHaluza@santa-ana.org>

Dear Mr. Reiser,

It has come to our attention that the above-noted property is still being utilized as a location for church services. As you were previously made aware, this property is located in the City's P (Professional) Zone. Use of a building for church services is neither a permitted nor conditionally permitted use in an P Zone. (SAMC 41-312, et seq.)

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To discuss this matter further, please contact me promptly.

Alvaro Nuñez, Coordinator

Community Preservation Division

Planning & Building Agency

City of Santa Ana

714/647-5871

From:

Nunez, Alvaro

Sent: To:

Tuesday, May 08, 2012 5:06 PM Haluza, Karen; Trevino, Jay

Subject:

FW: 3503 S. Harbor Blvd.: Mars Hill Church

Importance:

High

FYI-

In my conversation with Pastor Kyle, he indicated that he feels they should be out of the site in two weeks.

From: kyle@marshill.com [mailto:kyle@marshill.com]

Sent: Tuesday, May 08, 2012 3:07 PM

To: Nunez, Alvaro; Jon Reiser

Subject: Re: 3503 S. Harbor Blvd. : Mars Hill Church

Importance: High

Dear Mr. Alvaro and Mr. Reiser,

This email is in response to Mr. Alvaro and my phone conversation this afternoon discussing the pending moving of Mars Hill Church from The Observatory.

Mars Hill Church has been actively looking for a permeant location for over a year now, and have run into difficulty finding a viable location. In the past several months we have intensified our efforts working through a broker and any other resources we have to find a location that is in compliance with the local government.

We are now in the final stages of completing a lease with a church in Garden Grove that we would use for our Sunday services. This church is open and excited to partner with us and we are just working out the logistics of the lease.

It is my hope to have an answer by the end of the week (Friday May 11th) confirming the lease and establishing a move in date. It is our hope that once the lease is signed we can move aggressively and be in that building within a couple of weeks.

I will send a follow up email on Friday May 11th to confirm our status with the lease and potential move in date. I appreciate the grace that has been extended to us by the City of Santa Ana and Mr. Reiser, as this has been quite a challenge finding a location. Please let me know if either of you have any questions and I will be in communication on Friday to update you each on the status of the pending move.

-Pastor Kyle

Colossians 3:23

Whatever you do, work at it with all your heart, as working for the Lord, not for men.

Kyle Firstenberg
OC Executive Pastor

twitter: @kylefberg

MARS HILL CHURCH / Orange County 3501 S. Harbor Blvd Suite 230 Santa Ana, CA 92704 o - 206.816.3783 e - kvle@marshill.com w - www.marshill.com MARS HILL CHURCH / Orange County 3501 S. Harbor Blvd Suite 230 Santa Ana, CA 92704

o - 206.816.3783

e - kyle@marshill.com

w - <u>www.marshill.com</u> twitter: @kylefberg

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From:

Nunez, Alvaro

Sent:

Wednesday, May 23, 2012 2:35 PM

To: Cc:

'kyle@marshill.com' 'jnreiser@gmail.com'

Subject:

RE: Mars Hill Church Update

Pastor Kyle,

I appreciate you providing me with an update on your progress.

From the City's perspective and to remain in compliance with the Santa Ana Municipal Code, church services must cease at the location.

A follow-up inspection will be conducted to ensure compliance with the Santa Ana Municipal Code. Any observance in violation of the Santa Ana Municipal Code will be followed by additional enforcement action as indicated previously.

Alvaro Nuñez, Coordinator Community Preservation Division Planning & Building Agency City of Santa Ana 714/647-5871

From: kyle@marshill.com [mailto:kyle@marshill.com]

Sent: Tuesday, May 15, 2012 10:00 PM

To: Nunez, Alvaro

Subject: RE: Mars Hill Church Update

Hello Mr. Alvaro,

I have contacted the Garden Grove Church for an update on the status of our lease. I have been told that they have a finance committee meeting to approve the lease amount on Wednesday. Then they have to hold a director committee meeting to approve all the other parts of the lease. I am told that would happen before the end of the week.

I apologize again for the delay, I hope you can trust this is moving forward. I expect to have a solid answer by this Friday and will email you with an update as I get it. If you would like, I can speak to you in person, just let me know and I will be happy to give you a call.

Once the lease is signed we should be able to move in very short order assuming they will agree to a quick move in date.

Please let me know if I can be providing any other information that you would like to have other then these updates.

-Pastor Kyle

Colossians 3:23

Whatever you do, work at it with all your heart, as working for the Lord, not for men.

Kyle Firstenberg
OC Executive Pastor

Mr. Alvaro Nufiez May 24, 2012 Page 2 of 2

The Religious Land Use and Institutionalized Persons Act (RLUIPA), Pub.L. 106-274, codified as 42 U.S.C. § 2000cc et seq., states that no government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government can demonstrate that imposition of the burden on that person, assembly or institution is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

It is difficult to imagine that the city would be burdened by allowing the congregation to complete its move without a disruption of its worship services. We look forward to working with you to resolve this situation amicably and quickly.

At your earliest convenience, please contact me on my direct line at 817-912-0900 or via email at <a href="mailto:david@amlawteam.com">david@amlawteam.com</a>, or you may reach my associate, Steven Goodspeed, at 817-912-0913 or <a href="mailto:steven@amlawteam.com">steven@amlawteam.com</a>.

Sincerely, ANTHONY & MIDDLEBROOK, P.C.

David O. Middlebrook

DOM/ps

cc: Mars Hill Church



DAVID O. MIDDLEBROOK

Attorney and Counselor at Law Licensed in Texas, Colorado and District of Columbia

david@amlawteam.com

May 24, 2012

Via Email: ANunez@santa-ana.org

Alvaro Nuñez, Coordinator Community Preservation Division Planning & Building Agency 20 Civic Center Plaza, Ross Annex M-19 Santa Ana, CA 92701

Re:

Email of May 23, 2012 requiring Mars Hill Church to cease church services at 3503 S. Harbor Blvd in order to remain in compliance with the Santa Ana Municipal Code and avoid enforcement action.

Dear Mr. Nuñez:

As you now know, our firm serves as legal counsel for Mars Hill Church (the "Church"). We want to thank you and the City of Santa Ana for working with the Church as it plans to relocate to new worship space in Garden Grove. The plan is for them to be out this summer.

We were disappointed with the email we received telling the Church that "church services must cease at the location" and that there will be a follow-up inspection and possible immediate enforcement action to ensure compliance with the Santa Ana Municipal Code. It is difficult for us to imagine how it is in the legal or public relations interest of the city to take such immediate and drastic action against Mars Hill Church, which has over 14,000 members across a four (4) state area, including 600-800 attenders at the Santa Ana location.

We understand local governments must balance the goals of land use regulations and the religious mission of churches in the context of a society with rapid growth and cultural and demographic changes. We would like to communicate reasonably about the city's position and the decision we have already made to relocate very soon, while attempting to avoid a disruption in our church services which is a substantial burden on our Santa Ana congregation. Surely this is possible. Certainly it is difficult to imagine the city would not allow the Church a little more time to accomplish its move.



4501 Merlot Avenue Grapevine, Texas 76051 Main: (972) 444-8777 Fax: (972) 444-8778 Web: Amlawteam.com Churchlawgroup.com

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From: Pat Sudbay [mailto:pat@amlawteam.com]

Sent: Thursday, May 24, 2012 3:04 PM

To: Nunez, Alvaro

Cc: David Middlebrook; Steven Goodspeed

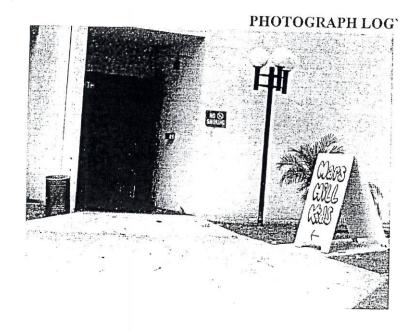
Subject: Mars Hill Church

Mr. Nunez – attached please find a letter from attorney David Middlebrook regarding Mars Hill Church.

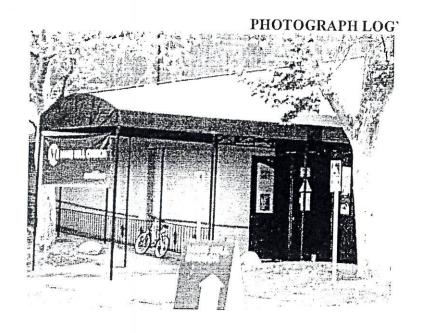
Thank you, Pat Sudbay

PATRICIA L. SUDBAY

Paralegal
Direct (817) 912-0902
Mobile: (972) 697-6151
pat ā amkuwteam com



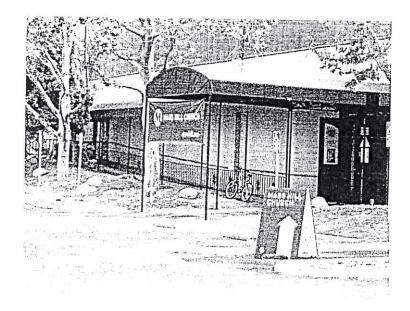






# PHOTOGRAPH LOG'



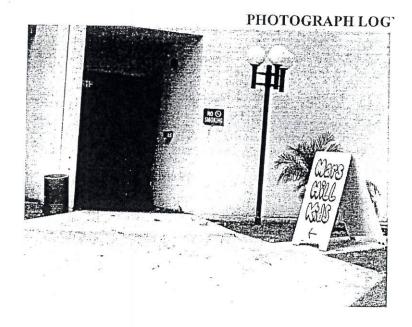




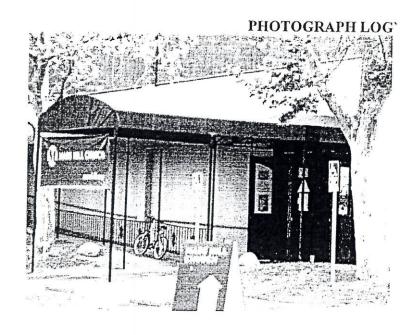
City of Santa Ana

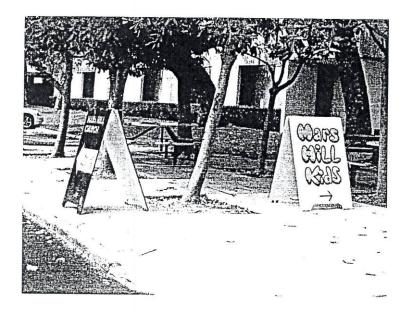
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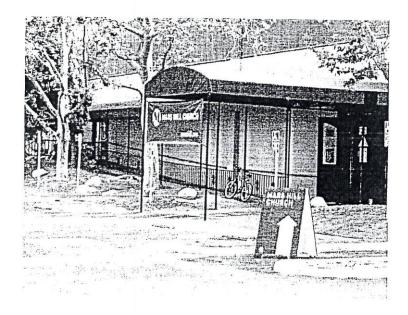






# PHOTOGRAPH LOG





City of Santa Ana Community Preservation Division 20 Civic Center Plaza Santa Ana, CA 92701  ADMINISTRATIVE CITATION  #AC 051939 a OBS SWP ASGND
An inspection of the following premises revealed violations of the Santa Ana Municipal Code:  Address/Location: 3503 S. HARBOR BOVD Santa Ana, CA, Zip  Business Name: MARS HILL CHURCH / OC Customer #  Responsible  Person (s): KYLE FIRSTEN BERG (OCENECUTIVE ZONE CDBG#
City/State/Zip: SANTA ANA, CA 92704
As ofatam/pm, you are in violation of Santa Ana Municipal Code Section(s):  SAMC Code SectionDescription of Violation(s)
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The inspector may conduct a drive-by compliance inspection. You will be notified in writing with the Notice of Administrative Fine if you are not in compliance (see section below). You will then be liable for a fine in the amount of \$100, \$200 or \$500.  [These fines are subject to change pursuant to California Government Code Section 36900.]  In addition to the fine, you may be cited each day that the violation exists beyond the correction date. Other enforcement action and penalties may also result if compliance is not achieved by the correction date.  Received by:  [NSPECTOR:
Date Warning Mailed: CP# PHONE #: (714) Monday through Friday  Date Complied: CP# CP# Date Complied: CP#
As of 5/27/12 at -/0:33 (am)/ pm, you are in violation of Santa Ana Municipal Code Section(s):
SAMC Code Section Description of Violation(s)  41-198 (a) USE NOT PERMITTED IN ZONE (P-ZONE), CHARCH SERVICES
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( ) Refer to attached "Continuation of Violations"  ( L) 1 <sup>ST</sup> CITATION \$ / 00 , 12 IS NOW DUE AND PAYABLE.  ( ) 2 <sup>ND</sup> CITATION \$ IS NOW DUE AND PAYABLE.  ( ) 3 <sup>RD</sup> CITATION \$ IS NOW DUE AND PAYABLE.  Pursuant to Santa Ana Municipal Code Section 1-21 8 you have 15 down for the last of the last
Received by:  ( ) Refused to sign. Served via personal service. ( ) Served via Certified and First Class mail Date: ( )   1   2   4   70   1   3   50   0   0   0   3   4   5   5   5   5   5   5   5   5   5
Case # (714) Monday through Friday.

### Melissa

From: Steven Goodspeed [mailto:steven@amlawteam.com]

Sent: Tuesday, June 19, 2012 10:22 AM

To: Crosthwaite, Melissa Subject: Mars Hill

From our client below, we are also hopeful a signed letter will be or has been sent to you already.

THANKS.

Our audio video gear will not be delivered in time to relaunch OC on 7/8/12. We need to revise the date to 7/15/12. We have received confirmation from all of our vendors involved that this is our set launch date. Can you communicate this to your contact at the city to keep them in the loop of our progress towards compliance. Our hope is to clearly let them know we are working hard to honor their request.

### STEVEN D. GOODSPEED

State Bar of Texas State Bar of Oklahoma



## Attorney at Law

Direct: (817) 912-0913 Mobile: (214) 449-3222 steven@amlawteam.com

4501 Merlot Avenue Grapevine, Texas 76051 Main: (972) 444-8777 Fax: (972) 444-8778 Web: Amlawteam.com Churchlawgroup.com

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From: Steven Goodspeed [mailto:steven@amlawteam.com]

Sent: Wednesday, August 15, 2012 1:48 PM

**To:** Crosthwaite, Melissa **Subject:** RE: Mars Hill

I've been told they are not all out yet but "...are getting close". I regret having to communicate that.

STEVEN D. GOODSPEED

State Bar of Texas State Bar of Oklahoma



Attorney at Law Direct: (817) 912-0913 Mobile: (214) 449-3222 steven@amlawteam.com

4501 Meriot Avenue Grapevine, Texas 76051 Main: (972) 444-8777 Fax: (972) 444-8778 Web: <u>Amlawteam.com</u> <u>Churchlawgroup.com</u>

CONFIDENTIALITY NOTIFICATION: This e-mail and any attachments to it is covered by the Electronic Communications Privacy Act, 18 U.S.C. Section 2510-2521 and may contain confidential information that is (1) subject to the attorney/client privilege, (2) an attorney work product, or (3) strictly confidential. Do not read this e-mail if you are not the intended recipient. Disclosure, copying, distribution or use of any information in or attached to this e-mail is prohibited. IRS CIRCULAR 230 DISCLOSURE: Unless expressly stated otherwise, any U.S. Federal tox advice contained in this email, including attachments, is not intended to be used, and any such tax advice cannot be used, for the purpose of avoiding penalities that may be imposed by the Internal Revenue Service. Unauthorized interception of this e-mail is a violation of federal criminal law. If you received this email in error, destroy the original and its attachments without reading or saving in any manner and immediately notify us by reply e-mail or at 974.444.8777. VIRUS NOTIFICATION: Our computer system is equipped with a virus scanner. However, no warranty is made that this material is free from computer virus or other defect. Any loss/damage incurred by using this material is not our responsibility. Our firm's entire liability shall be limited to resupplying the material. ALTERATION NOTIFICATION:

From: Crosthwaite, Melissa [mailto:mcrosthwaite@santa-ana.org]

Sent: Tuesday, August 14, 2012 7:21 PM

To: Steven Goodspeed Subject: RE: Mars Hill

Steven,

I hope this email finds you well. I just wanted to check back with you. Code enforcement has not yet gone back to conduct any re-inspections to determine if there are still church uses at the Galaxy theatre. We expect that it has ceased because their deadline passed. But, we wanted to check back with you to see if you could follow up with your client before we do a quick re-inspection on Sunday. Can you confirm that they have moved to the location in Garden Grove? Their website still lists the Santa Ana address but, of course, it may just not be updated. Just wanted to check with you.

Thanks!

Steven,

I hope this email finds you well. I just wanted to check back with you. Code enforcement has not yet gone back to conduct any re-inspections to determine if there are still church uses at the Galaxy theatre. We expect that it has ceased because their deadline passed. But, we wanted to check back with you to see if you could follow up with your client before we do a quick re-inspection on Sunday. Can you confirm that they have moved to the location in Garden Grove? Their website still lists the Santa Ana address but, of course, it may just not be updated. Just wanted to check with you.

Thanks!

Melissa

From: Steven Goodspeed [mailto:steven@amlawteam.com]

Sent: Tuesday, June 19, 2012 10:22 AM

To: Crosthwaite, Melissa Subject: Mars Hill

From our client below, we are also hopeful a signed letter will be or has been sent to you already.

THANKS.

Our audio video gear will not be delivered in time to relaunch OC on 7/8/12. We need to revise the date to 7/15/12. We have received confirmation from all of our vendors involved that this is our set launch date. Can you communicate this to your contact at the city to keep them in the loop of our progress towards compliance. Our hope is to clearly let them know we are working hard to honor their request.

# STEVEN D. GOODSPEED

State Bar of Texas State Bar of Oklahoma



Attorney at Law Direct: (817) 912-0913

Mobile: (214) 449-3222 steven@amlawteam.com

4501 Merlot Avenue Grapevine, Texas 76051 Main: (972) 444-8777 Fax: (972) 444-8778 Web: <u>Amlawteam.com</u> Churchlawgroup.com

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From: Crosthwaite, Melissa [mailto:mcrosthwaite@santa-ana.org]

Sent: Thursday, August 16, 2012 3:50 PM

To: Steven Goodspeed Subject: RE: Mars Hill

Steven,

I'm sorry to hear that. Because I was asked to follow up, I have communicated the information to Code Enforcement. We may have to begin enforcement efforts again. I do hope that they haven't encountered any huge difficulties. Any estimates?

If you have any questions or want to talk, please let me know. I am out of the office tomorrow, however.

Melissa

From: Steven Goodspeed [mailto:steven@amlawteam.com]

Sent: Wednesday, August 15, 2012 1:48 PM

To: Crosthwaite, Melissa Subject: RE: Mars Hill

I've been told they are not all out yet but "...are getting close". I regret having to communicate that.

### STEVEN D. GOODSPEED

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From: Crosthwaite, Melissa [mailto:mcrosthwaite@santa-ana.org]

Sent: Tuesday, August 14, 2012 7:21 PM

To: Steven Goodspeed Subject: RE: Mars Hill

From: Steven Goodspeed [mailto:steven@amlawteam.com]

Sent: Thursday, August 16, 2012 1:54 PM

To: Crosthwaite, Melissa Subject: RE: Mars Hill

Me too. I'm checking to get something better than "close" -1 will let you know.

STEVEN D. GOODSPEED

State Bar of Texas State Bar of Oklahoma



Attorney at Law

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#AC 052495a

Santa Ana, CA 92701 ADMINISTRATIVE CITATION An inspection of the following premises revealed violations of the Santa Ana Municipal Code: Address/Location: 3503 5: HARPOR BLVD. Santa Ana, CA, Zip Business Name: MARS HILL'S CHURCH OC / ANISE GROUP LLC Customer # CDL/ID#: Person (s): ZONE Address: S. HARBOR BLUD ... I A ... APN# City/State/Zip: WARNING NOTICE at am 7 pm, you are in violation of Santa Ana Municipal Code Section(s): As of SAMC Code Section Description of Violation(s)

Corrections Required Model: Lic#/VIN: We do the beautiful to the second process that the second process the s Vehicle Yr: CORRECTIONS REQUIRED: ( ) Refer to "Violation Sheet" ( ) Refer to attached "Continuation of Violations" IMPORTANT! Corrections must be completed within hours / days! Comply by (date) The inspector may conduct a drive-by compliance inspection. You will be notified in writing with the Notice of Administrative Fine if you are not in compliance (see section below). You will then be liable for a fine in the amount of \$100, \$200 or \$500. [These fines are subject to change pursuant to California Government Code Section 36900] TA Start to Will Figure In addition to the fine, you may be cited each day that the violation exists beyond the correction date. Other enforcement action and penalties may also result if compliance is not achieved by the correction date. Received by: Phone#: INSPECTOR: PHONE #: (714) Monday through Friday Date Warning Mailed: Date Complied: NOTICE OF ADMINISTRATIVE FINE at 9:45 (ain) pm, you are in violation of Santa Ana Municipal Code Section(s): Description of Violation(s) 1-190(a) - USE NOT PERMITTED IN ZUNE (P-ZUNE), CHURCH SERVICES PROHIET ZUNE -7 COUTACT CITY PLANNING DIVISION FOR APPENDED BC 111.1 - CERTIFICATE OF OCCUPANCY REQUIRED FOR ( ) Refer to attached "Continuation of Violations" ( ) 1<sup>ST</sup> CITATION S IS NOW DUE AND PAYABLE. (4) 2ND CITATION \$ Zoo. 00 IS NOW DUE AND PAYABLE. () 3<sup>RD</sup> CITATION IS NOW DUE AND PAYABLE. Pursuant to Santa Ana Municipal Code Section 1-21.8, you have 15 days from the date of this administrative fine to file an appeal. (See the reverse side of this Notice for payment and appeal information relating to a Request for Administrative Hearing.) Received by: Print Name ( ) Refused to sign. Served via personal service. 8/12 #7011350000318753 ( Served via Certified and First Class mail Date:

Print Name

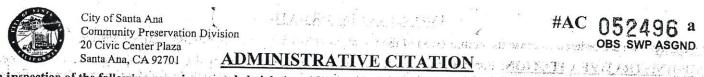
Monday through Friday

Case #\_\_\_\_\_\_ ID #

677-7780

Signature of Officer

Phone #: (714)



Case #

An inspection of the following premises revealed violations of the Santa Ana Munic	ipal Code:
Address/Location: 3503 S. HARBUR BLUD.	3 Marafille (A.A.A. Park) and a constitution
Business Name: WARS HAL CHURCH 10C	Santa Ana, CA, Zip
Responsible	Customer #
Person (s): KYLE FIRSTENBERG (OC EXECUTIVE	CDL/ID#:
Address: 3503 S. HARBUR BOND PASTIRE	ZONECDBG#
City/State/Zip: SANTA ANA, CA 92704	APN# 1777 - 1777
Children April Orl 1270 c	en en englik primata naphalam 1950 a arin an angara. Manganan
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CORRECTIONS REQUIRED: ( ) Refer to "Violation Sheet" ( ) Refer to attach	ied "Continuation of Violations"
IMPORTANT! Corrections must be completed within hours days. Com The inspector may conduct a drive-by compliance inspection. You will be notified in wrif you are not in compliance (see section below). You will then be liable for a fine in a [These fines are subject to change pursuant to California Govern In addition to the fine, you may be cited each day that the violation exists beyond the corpenalties may also result if compliance is not achieved by the correction date.	the amount of \$100, \$200 or \$500.
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